IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No.122 of 2001

Decided on: December 6, 2007

State of H.P. **…Appellant**

Versus

Bir Singh **…Respondent**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the appellant : Mr. Som Dutt Vasudeva, Additional Advocate General.

For the respondent : Mr. Chandranarayana Singh, Advocate.

Surjit Singh, Judge (oral)

Heard and gone through the record.

2. This appeal by the State is directed against the judgment, dated 6th September, 2000, of the trial Magistrate, whereby respondent Bir Singh, who was tried of an offence, under Sections 33 of the Indian Forest Act, has been acquitted.

3. Respondent was sent up for trial on the allegations that when Forest Guard PW-1 Sant Ram, accompanied by PW-2 Devi Ram, had gone to Dhar Charri Forest, he found 18 pieces of timber of deodar on the spot and came to know that the timber had been extracted from the trees illicitly felled by the respondent. The respondent allegedly confessed his guilt but refused to sign the damage report. Timber was seized and hammer marked. Matter was investigated by PW-3 Dula Ram, Block Forest Officer, to whom the damage report was forwarded. Said Dula Ram recorded the statements of PW-1 Sant Ram and PW-2 Devi Ram in the course of investigation.

Whether reporters of the local papers may be allowed to see the judgment?

4. During the course of the trial, PW-2 Devi Ram did not support the prosecution version. He denied that he had seen the respondent felling the trees. He also denied that the respondent confessed his guilt. PW-1 Sant Ram, Forest Guard, did not say that he had seen the respondent felling the trees or carrying the timber, though he did say that the respondent confessed his guilt. However, his statement that the respondent refused to sign the confessional statement is enough to disbelieve his testimony that the respondent confessed having felled the trees.

5. In view of the abovestated position, appeal is dismissed.

December 6, 2007(sd) **(Surjit Singh), J**